

CLERK, U.S. DISTRICT COURT
MAR 11 2010
CENTRAL DISTRICT OF CALIFORNIA
BY *[Signature]*

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MARIO LOREN GORDON,) NO. ED CV 09-2004-SVW(E)
Plaintiff,)
v.) ORDER ADOPTING FINDINGS,
TERESER A. BANKS, et al.,) CONCLUSIONS AND RECOMMENDATIONS
Defendants.) OF UNITED STATES MAGISTRATE JUDGE

Pursuant to 28 U.S.C. section 636, the Court has reviewed the Complaint, all of the records herein and the attached Report and Recommendation of United States Magistrate Judge. The Court approves and adopts the Magistrate Judge's Report and Recommendation.

IT IS ORDERED that Judgment shall be entered dismissing the action without prejudice.

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1 IT IS FURTHER ORDERED that the Clerk serve forthwith a copy of
2 this Order and the Judgment of this date on Plaintiff.

3 DATED: Feb 25, 2010.

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7 STEPHEN V. WILSON
8 UNITED STATES DISTRICT JUDGE

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

11 MARIO LOREN GORDON,) NO. ED CV 09-2004-SVW(E)
12 Plaintiff,)
13 v.) REPORT AND RECOMMENDATION OF
14 TERESER A. BANKS, et al.,) UNITED STATES MAGISTRATE JUDGE
15 Defendants.)

18 This Report and Recommendation is submitted to the Honorable
19 Stephen V. Wilson, United States District Judge, pursuant to 28 U.S.C.
20 section 636 and General Order 05-07 of the United States District
21 Court for the Central District of California.

PROCEEDINGS

25 On October 28, 2009, Plaintiff filed a civil rights complaint.
26 By Memorandum and Order filed December 17, 2009, the Court dismissed
27 the complaint with leave to amend. The Memorandum and Order allowed
28 Plaintiff to file a First Amended Complaint within thirty (30) days of

1 the date of the Memorandum and Order. The Memorandum and Order
2 cautioned Plaintiff that failure to file a timely First Amended
3 Complaint could result in the dismissal of this action. Plaintiff did
4 not file a First Amended Complaint within the allotted time.

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6 **DISCUSSION**

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8 The action should be dismissed without prejudice. The complaint
9 is defective for the reasons stated in the Memorandum and Order.
10 Plaintiff has failed to file a First Amended Complaint within the
11 allotted time. The Court has inherent power to achieve the orderly
12 and expeditious disposition of cases by dismissing actions for failure
13 to prosecute. Link v. Wabash R.R., 370 U.S. 626, 629-30 (1962); see
14 Fed. R. Civ. P. 41(b).

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16 **RECOMMENDATION**

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18 For all of the foregoing reasons, IT IS RECOMMENDED that the
19 Court issue an Order: (1) approving and adopting this Report and
20 Recommendation; and (2) directing that Judgment be entered dismissing
21 the action without prejudice.

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23 DATED: January 27, 2010.

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/S/

26 CHARLES F. EICK
UNITED STATES MAGISTRATE JUDGE

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1 **NOTICE**

2 Reports and Recommendations are not appealable to the Court of
3 Appeals, but may be subject to the right of any party to file
4 objections as provided in the Local Rules Governing the Duties of
5 Magistrate Judges and review by the District Judge whose initials
6 appear in the docket number. No notice of appeal pursuant to the
7 Federal Rules of Appellate Procedure should be filed until entry of
8 the judgment of the District Court.

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